

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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CIV. 09-4172-KES

NORTH AMERICAN SPECIALTY :
INSURANCE CO., a New Hampshire
corporation, :

Plaintiff, :

NOTICE OF VOLUNTARY
DISMISSAL OF SIOUX PIPE
PARTNERS, LLC

VS. :

DOUGLAS E. OSBORN AND CINDY :
OSBORN, individually and d/b/a :
NORTHERN PLAINS CONSTRUCTION; :
SCHMUCKER, PAUL, NOHR & :
ASSOCIATES, INC., a South Dakota :
corporation; ADVANCED DRAINAGE :
SYSTEMS, INC., a Delaware corporation; :
HD SUPPLY WATERWORKS GROUP, :
INC., a Delaware corporation; and SIOUX :
PIPE PARTNERS, LLC, a South Dakota :
limited liability company, :

Defendants. :

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Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff North American Specialty Insurance Company respectfully requests that Defendant Sioux Pipe Partners, LLC, be dismissed from the above-entitled action without prejudice. Defendant Sioux Pipe Partners, LLC, has not served an answer or motion for summary judgment in the above-entitled action.

Civ. 09-4172-KES
Notice of Voluntary Dismissal of Sioux Pipe Partners, LLC
Page 2

Dated this 10th day of February, 2010.

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Certificate of Service

I certify that on the 10th day of February, 2010, a true and correct copy of the foregoing Notice of Voluntary Dismissal of Sioux Pipe Partners, LLC was served via e-filing upon the following:

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Civ. 09-4172-KES
Notice of Voluntary Dismissal of Sioux Pipe Partners, LLC
Page 3

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One of the Attorneys for Plaintiff